

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>P3 INTERNATIONAL CORP. and Daniel LIU,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>UPM MARKETING, INC., UPM TECHNOLOGY (USA), INC., and SMARTLABS, INC., d/b/a/ Smarthome,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 08-CIV-5086 DLC -RLE</p> <p>ECF</p> <p>DECLARATION</p>
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I, Shawn M. Herzinger, declare as follows:

1. I am Vice President of Product and Operations at plaintiff P3 International Corp. I have been employed at P3 since 1992 in various capacities and as Vice President for about three years.

2. I graduated from Stevens Institute of Technology in Hoboken, New Jersey in 1987 with a bachelor's degree in engineering, specializing in electrical engineering. As a result, I have a full and working knowledge of electronic circuitry which I have used in my professional career since graduation.

3. One of my responsibilities at P3 has been to evaluate consumer electronic products being considered as additions to the product line. To that end, I have examined and tested various products including energy meters, timers, weather stations, and solar light fixtures. These products incorporate a number of electronic devices including circuit boards and peripheral components. I am in frequent contact with designers and manufacturers of electronics to discuss P3's products. As a result of these discussions, I frequently direct the revisions of designs or circuitry of the products.

4. As a person skilled in the art of electronic circuitry and design of consumer electronic products, I can state the following about the meaning of claim terms that are used in United States Patent 6,095,850.

5. The term "circuit" is understood to mean a combination of a number of electrical devices and conductors that, when interconnected to form a conducting path, fulfill some desired function. See, e.g., *Modern Dictionary of Electronics*, 116, (7th ed. 1999), relevant pages of which are attached as Exhibit A. In a digital computer, a "control circuit" refers to the circuits that carry out the instruction in proper sequence, interpret each instruction, and apply the proper commands to the arithmetic element and other circuits in accordance with the interpretation. *Id.* at 151.

6. A central processing unit ("CPU") is understood to be a primary unit of the computer system that controls interpretation and execution of instructions. Exhibit A at 158. In a digital computer or data-processing equipment, it is the unit containing the arithmetic, logic and control circuits which direct and co-ordinate operation of the computer and the peripheral devices. *Newnes Dictionary of Electronics*, 50 (4th ed. 1999), relevant pages of which are attached as Exhibit B. A CPU receives data when a signal is routed through the components of the circuit to the CPU.

7. The term "housing" is not a term of electronics. In this field, it understood to be a structure surrounding and containing the circuitry and other hardware of the device.

8. A plurality of electrical parameters means more than one measurable aspect of electricity. Examples of electrical parameters are voltage or current. *The Art of Electronics*, 2 (1980), relevant pages of which are attached as Exhibit C.

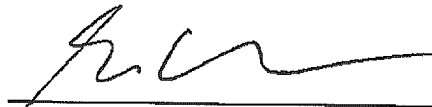
9. When a circuit is said to have "generated a value" it is understood that a signal in the circuit has been processed to yield a value.

10. A "voltage amplifier" is a device that changes the amplitude of the voltage input. It is well-understood by those in the art that digital electronic circuitry does not operate at high voltage. Accordingly, when a typical voltage signal of 110 volts is introduced into a circuit, it has to be attenuated in order to be processed by the circuitry. This is accomplished by operational amplifiers, frequently referred to as "op amps." See, Exhibit A at 521.

11. The term "analog-to-digital converter" or "ADC" refers to a component or process that converts an analog signal to a digital signal. Exhibit A at 25; Exhibit B at 10.

I hereby affirm under the penalties of perjury that the foregoing is true or believed to be true.

March 11, 2009



Shawn M. Herzinger